

## Definitions

underline = proposed new text

strike-through = proposed deletions

### General

If definitions sought are not within this section, the County shall utilize the adopted definitions of its Land Development Code and, secondly, refer to the Florida Statutes. If a definition is not provided in these documents, the County shall utilize the term as commonly used.

### Acronyms

<Under construction>

### Defined Terms

#### A

Abandoned means to stop the use or activity intentionally. When the use of a property has ceased and the property has been vacant for 18 months, abandonment of use will be presumed unless the owner can show that a diligent effort has been made to sell, rent, or use the property for a legally permissible use. This excludes temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving or rearranging a facility, or during normal periods of vacation or seasonal closure.

Accessory Use or Accessory Structure means a use or structure that:

- (1) Is subordinate to and serves an existing principal use or principal structure; and
- (2) Is subordinate in area, extent and purpose to an existing principal use or principal structure served; and
- (3) Contributes to the comfort, convenience or necessity of occupants of the principal use or principal structure served; and
- (4) Is located on the same lot/parcel or on a lot/parcel that is under the same ownership as the lot/parcel on which the principal use or principal structure is located; and
- (5) Is located on the same lot/parcel or on a contiguous lot/parcel as an existing principal use or principal structure, excluding accessory docking facilities that may be permitted on adjacent lots/parcels pursuant to section 118-12 of the County's LDC ; and
- (6) Is located in the same land use (zoning) district as the principal use or principal structure, excluding off-site parking facilities pursuant to section 114-67 of the County's LDC.

Adaptation is the adjustment in natural or human systems to actual or expected climatic stimuli or their effects, that exploits beneficial opportunities or moderates negative effects<sup>1</sup>.

<sup>1</sup> IPCC Fourth Assessment Report: Climate Change 2007

Adaptation Action Area or Adaptation Area means one or more areas that experience coastal flooding due to extreme high tides and storm surge, and that are vulnerable to the related impacts of rising sea levels for the purpose of prioritizing funding for infrastructure needs and adaptation planning.

Adjacent means land sharing a boundary with another parcel of land at one or more points of intersection. An intervening road, right-of-way, easement or canal shall not destroy the adjacency of the two parcels, except for U.S. 1.

Adjusted Household Income means all wages, assets, regular cash or noncash contributions or gifts from persons outside the household, and such other resources and benefits as may be determined to be income by the United States Department of Housing and Urban Development, adjusted for family size, less deductions allowable under s. 62 of the Internal Revenue Code.

Administrative Relief means actions taken by the County granting the owner of real property relief from the continued application of the Rate of Growth requirements providing they meet the criteria established in Sec. 138-27 and Sec. 138-54 of the Monroe County Code of Ordinances.

Affected Persons includes the affected local government; persons owning property, residing, or owning or operating a business within the boundaries of the local government whose plan is the subject of the review; owners of real property abutting real property that is the subject of a proposed change to a future land use map; and adjoining local governments that can demonstrate that the plan or plan amendment will produce substantial impacts on the increased need for publicly funded infrastructure or substantial impacts on areas designated for protection or special treatment within their jurisdiction. Each person, other than an adjoining local government, in order to qualify under this definition, shall also have submitted oral or written comments, recommendations, or objections to the local government during the period of time beginning with the transmittal hearing for the plan or plan amendment and ending with the adoption of the plan or plan amendment.

Affordable Housing means residential dwelling units that meet the following requirements:

a. Meet all applicable requirements of the United States Department of Housing and Urban Development minimum property standards as to room sizes, fixtures, landscaping and building materials, when not in conflict with applicable laws of the county; and

b. A dwelling unit whose monthly rent or mortgage, including utilities, does not exceed 30 percent of that amount which represents either, 50 percent (very low income) or 80 percent (low income) or 100 percent (median income) or 120 percent (moderate income) of the annual median adjusted household income for the county.

Agriculture means the science and art of production of plants and animals useful to humans, including to a variable extent the preparation of these products for human use and their disposal

by marketing or otherwise, and includes aquaculture, horticulture, floriculture, viticulture, mariculture/aquaculture, forestry, dairy, livestock, poultry, bees, and any and all forms of farm products and farm production. For the purposes of marketing and promotional activities, seafood shall also be included in this definition.

*Airport* means any area of land or water, or any manmade object or facility located thereon, which is used, or intended for use, for the landing and takeoff of aircraft, and any appurtenant areas that are used, or intended for use, for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon. There are both public and private airports, which are differentiated as follows:

(a) A public airport is publicly or privately owned, meets minimum safety and service standards, and is open for use by the public; and

(b) A private airport is publicly or privately owned, and is available for use by invitation of the licensee. Services may be provided if authorized by the Florida Department of Transportation.

*Amendment* means any action of a local government which has the effect of amending, adding to, deleting from or changing an adopted comprehensive plan element or map or map series, including an action affecting a prior plan or plan amendment adoption ordinance, but shall not mean a legislative act which only codifies local legislation or makes corrections, updates and modifications of the capital improvements element concerning costs, revenue sources, acceptance of facilities or facility construction dates consistent with the plan.

*Archaeological or Historical Site or Property* means any prehistoric or historic district, site, building, object or other real or personal property of historical, architectural, or archaeological value; .

*Arterial Road* means a roadway providing service which is relatively continuous and or relatively high traffic volume, long trip length, and high operating speed.

## **B**

*Beach* means the zone of unconsolidated material that extends landward from the mean low water line to the place where there is marked change in material or physiographic form, or to the line of permanent vegetation, usually the effective limit of storm waves. "Beach," as used in the coastal management and conservation element requirements, is limited to oceanic and estuarine shorelines.

*Beach Berm* means a bare, sandy shoreline with a mound or ridge of unconsolidated sand that is immediately landward of, and usually parallel to, the shoreline and beach. The sand is calcareous material that is the remains of marine organisms such as corals, algae and mollusks. The berm may include forested, coastal ridges and may be colonized by hammock vegetation.

*Beneficial Use* means the use of property that allows an owner to derive a benefit or profit in the exercise of a basic property right.

*Building* means any structure constructed or used for residence, business, industry, or other public or private purposes or accessory thereto and including tents, lunch wagons, dining cars, trailers, mobile homes, sheds, garages, carports, animal kennels, storerooms, gasoline pumps, and similar structures, whether stationary or movable.

*Buildable Area (Net)* means that portion of a parcel of land that is developable and is not open space or a required minimum bufferyard or a required setback.

*Buffer/Bufferyard* means a land area of specified minimum width, together with required planting and landscaping consisting of native vegetation or other species included on an approved species list used to visibly separate one use from another, or to shield or block noise, lights, or other nuisances. A bufferyard may also contain a barrier such as a berm, wall, or fence, designed to provide screening.

## C

*Capital Budget* means the portion of each local government's budget which reflects capital improvements scheduled for a fiscal year.

*Capital Improvement* means the physical assets constructed or purchased to provide, improve or replace a public facility and which are large scale and high in cost. The cost of a capital improvement is generally nonrecurring and may require multi-year financing. Physical assets which have been identified as existing or projected needs in the individual comprehensive plan elements are capital improvements.

*Carbon Sequestration* means the long-term storage of carbon dioxide or other forms of carbon to either mitigate or defer global warming and avoid climate change impacts. It has been proposed as a way to slow the atmospheric and marine accumulation of greenhouse gases released by burning fossil fuels.

*Carrying Capacity* means the level of use which can be accommodated and continued without irreversible impairment and degradation of natural resource productivity, the ecosystem, and the quality of air, land, and water resources.

*Coastal High Hazard Area (CHHA)* means the area below the elevation of the Category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model.

Collector Road means a roadway providing service which is of relatively moderate traffic volume, moderate trip length, and moderate operating speed. Collector roads collect and distribute traffic between local roads or arterial roads.

Commercial Recreation Use means a use designed and equipped for the conduct of sports and leisure-time activities (indoor and outdoor).

Commercial Apartment means an attached or detached residential dwelling unit located on the same parcel of land as a nonresidential use that is intended to serve as permanent housing for the owner or employees of that nonresidential use. The term does not include a tourist housing use or vacation rental use.

Commercial Fishing means the catching, landing, processing or packaging of seafood for commercial purposes, including the mooring and docking of boats and/or the storage of traps and other fishing equipment and charter boat uses and sport diving uses.

Commercial Retail Use means an occupation or service providing primarily for the sale of consumer goods, products, merchandise or services

Community Center means a defined geographic development focal area as identified within each of the Livable CommuniKeys Plans.

Community Character means the elements of a community that make it unique, memorable, livable, and inviting.

Compatibility means a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition.

Comprehensive Plan means the compilation of goals, objectives, policies, and maps for the physical, social, and economic development within the community, adopted by ordinance pursuant to Chapter 163, Part II, Florida Statutes, as amended and containing all statutorily-required elements.

Concurrency means that the necessary public facilities and services to maintain the adopted level of service standards are available when the impacts of development occur.

Concurrency Management System means the procedures and/or process that the local government will utilize to assure that development orders and permits are not issued unless the necessary facilities and services are available concurrent with the impacts of development.

Conditional Use means a use of property that is allowed under a zoning ordinance under specified conditions.

Contiguous means a sharing of a common border at more than a single point of intersection. Contiguity is not interrupted by utility easements.

County means, as used in this comprehensive plan, unincorporated Monroe County, Florida.

## **D**

Density means an objective measurement of the number of units/spaces allowed per unit of land, such as dwelling units per acre.

Density, Allocated means the number of dwelling units or rooms/spaces which may be permitted to be developed per gross acre of upland without the use of Transferable Development Rights (TDRs).

Density, Maximum Net means the maximum number of dwelling units or rooms/spaces which may be permitted to be developed per unit of upland on the net buildable acre of a site, with the use of Transferable Development Rights (TDRs) or affordable housing incentives.

Development means the carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land into three or more parcels, as defined by Section 380.04, F.S.

(1) Except as provided in subsection (3) of this definition, the following activities or uses shall be taken to involve "development":

a. A reconstruction, alteration of the size, or material change in the external appearance of a structure on land or water;

1. A reconstruction, alteration of the size, or material change in the external appearance of a structure on land.
2. A change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land or a material increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land.
3. Demolition of a structure.

b. A change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land or a material increase in the number of businesses, manufacturing establishments, offices or dwelling units in a structure or on land;

c. Alteration of a shore or bank of a seacoast, lake, pond or canal, including any work or activity which is likely to have a material physical effect on existing coastal conditions or natural shore and inlet processes;

d. Commencement of drilling (except to obtain soil samples), mining or excavation on a parcel of land;

e. Demolition of a structure;

f. Clearing of land, including clearing or removal of vegetation and, including significant disturbance of vegetation or substrate (soil) manipulation, including the trimming of mangroves to the extent allowed by law; and

g. Deposit of refuse, solid or liquid waste, or fill on a parcel of land.

(2) The term "development" includes all other activity customarily associated with it. When appropriate to the context, "development" refers to the act of developing or to the result of development. Reference to any specific operation is not intended to mean that the operation or activity, when part of other operations or activities, is not development. Reference to particular operations is not intended to limit the generality of this definition.

(3) The following operations or uses shall not be taken to involve "development":

a. Work involving the maintenance, renewal, improvement or alteration of any structure, if the work affects only the color or decoration of the exterior of the structure or interior alterations that do not change the use for which the structure was constructed;

b. Work involving the maintenance of existing landscaped areas and existing rights-of-way such as yards and other non-natural planting areas;

c. A change in use of land or structure from a use within a specified category of use to another use in the same category unless the change involves a change from a use permitted as of right to one permitted as a minor or major conditional use or from a minor to a major conditional use;

d. A change in the ownership or form of ownership of any parcel or structure;

e. The creation or termination of rights of access, riparian rights, easements, covenants concerning development of land, or other rights in land unless otherwise specifically required by law;

f. The clearing of survey cuts or other paths of less than four feet in width and the mowing of vacant lots in improved subdivisions and areas that have been continuously maintained in a mowed state prior to the effective date of the plan, the trimming of trees and shrubs and gardening in areas of developed parcels that are not required open space and the maintenance of public rights-of-way and private accessways existing on the effective date of the ordinance from which this chapter is derived or approved private rights-of-way;

g. Work by a highway or road agency for the maintenance or improvement of a road, if the work is carried out on land within the boundaries of the right-of-way;

h. Work by any utility and other persons engaged in the distribution or transmission of gas or water, for the purpose of inspecting, repairing, renewing, or constructing on established rights-of-way any sewers, mains, pipes, cables, utility tunnels, power lines, towers, poles, tracks, or the like; or

i. The use of any land for the purpose of growing plants, crops, trees and other agricultural or forestry products; raising livestock; or for other agricultural purposes.

(4) The term "development" also means the tourist housing use or vacation rental use of a dwelling unit, or a change to such a use (i.e., conversion of existing dwelling units to vacation rental use). Vacation rental use of a dwelling unit requires building permits, inspections and a certificate of occupancy.

Development Order means any order granting, denying, or granting with conditions an application for a development permit.

Development Permit means any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land.

Disturbed Salt Marsh and Buttonwood Wetland Associations means land that manifests signs of environmental disturbance that has had an observable effect on the structure and function of the natural community that existed on the site prior to the disturbance.

Drainage Facilities means a system of man-made structures designed to collect, convey, hold, divert, or discharge stormwater, and includes stormwater sewer, canals, detention structures, and retention structures.

Dredging means excavation below water level or in wetlands.

Dune means a mound, bluff, or ridge of loose sediment, usually sand-sized sediment, lying upland of the beach and deposited by any natural or artificial mechanism.

Dwelling Unit means one or more rooms physically arranged to create a household for occupancy by one family with separate toilet facilities.

## **E**

Easement means a grant of one or more of the property rights by the property owner to and/or for the use by the public, utility, a corporation, another person, or entity.

Element means a major division or chapter of the comprehensive plan. The required elements are: Future Land Use, Transportation, Housing, Infrastructure (Sanitary Sewer, Solid Waste,



Potable Water, and Drainage sub-elements), Coastal Management and Conservation, Recreation/Open Space, Intergovernmental Coordination, and Capital Improvements.

*Environmentally Sensitive Lands* means areas requiring special management attention to protect important fish and wildlife resources and other natural systems or processes.

## **F**

*Family* means a person living alone, or any of the following groups living together as a single household and sharing common living, sleeping, cooking, and eating facilities:

- (1) Any number of people related by blood, marriage, adoption, guardianship, or duly-authorized custodial relationship;
- (2) three unrelated people;
- (3) two unrelated people and any children related to either of them.

*Flood, 100-year* means a flood which occurs, on average, once every 100 years or which has a one percent chance of occurring in any one year.

*Floodplain* means land which will be inundated by floods known to have occurred or reasonably characteristic of what can be expected to occur from the overflow of inland or tidal waters and the accumulation of runoff or surface waters from rainfall. Areas inundated during a 100-year flood event or identified by the National Flood Insurance Program as an “A” Zone or “V” Zone on flood insurance rate maps or flood hazard boundary maps are in the floodplain.

*Floor Area* means the sum of the gross horizontal areas of each story of the principal building, measured from the exterior walls or from the centerline of party walls, including the floor area of accessory uses and of accessory buildings and structures.

*Floor Area Ratio (FAR)* means a measurement of the intensity of building development on a site. A floor area ratio is the relationship between the gross floor area on a site and the gross land area. The FAR is calculated by adding together the gross floor areas of all buildings on the site and dividing by the gross land area. For example, the FAR of a 10,000 total square foot structure on a one acre site equals: 10,000 square feet ÷ 43,560 square feet (1 acre) = a FAR of 0.23.

*Future Land Use Map (FLUM)* means a graphic representation of the land use categories used in the municipality and their placement on the land adopted as part of the comprehensive plan and used as the regulatory map for implementation of the comprehensive plan and land development regulations.

## **G**

*Goal* means the long-term end toward which programs or activities are ultimately directed.

Grade means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure, or the crown or curb of the nearest road directly adjacent to the structure, whichever is higher. To confirm the natural elevation of the ground surface, the county shall utilize the Light Detection and Ranging (LiDAR) dataset for Monroe County prepared in 2007. In the event 2007 LiDAR data is not available for a given parcel, the county shall use the best available data, including, but not limited to, pre-construction boundary surveys with elevations, pre-construction topographic surveys, elevation certificates and/or other optical remote sensing data.

Greenhouse Gas Emissions (those regulated under the Kyoto Protocol) include: carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF<sub>6</sub>). Direct GHG emissions are emissions from sources that are owned or controlled by the reporting entity such as energy use for the electricity generation by utilities. Indirect GHG emissions are emissions that are a consequence of the activities of the reporting entity, but occur at sources owned or controlled by another entity.

Green Infrastructure is strategically planned and managed networks of natural lands, working landscapes and other open spaces that conserve ecosystem values and functions and provide associated benefits to human populations<sup>2</sup>.

Gross Acre means the total area of a site excluding submerged lands, tidally inundated mangroves, not to exceed mean high tide, and any publicly dedicated rights-of-way.

## **H**

Habitable Structures mean any structure equipped for human habitation such as, but not limited to, office, workshop, kitchen, dining, living, laundry, bathroom, bedroom, den, family or recreational room; professional studio or commercial occupancy including all interior hallways, corridors, stairways and foyers connecting these areas. Garages, exterior stairs and open decks and patios are not considered habitable structures.

Hazardous Waste means solid waste, or a combination of solid wastes, which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or may pose a substantial present or potential hazard to human health or the environment when improperly transported, disposed or, stored, treated, or otherwise managed.

Height means the vertical distance between grade and the highest part of any structure, including mechanical equipment, but excluding chimneys; spires and/or steeples on structures used for institutional and/or public uses only; radio and/or television antenna, flagpoles; solar apparatus; utility poles and/or transmission towers; and certain antenna supporting structures with attached

<sup>2</sup> Definition from The Conservation Fund; <http://www.conservationfund.org/>

antenna and/or collocations as permitted in Chapter 146 of the Monroe County Code. However, in no event shall any of the exclusions enumerated in this section be construed to permit any habitable or usable space to exceed the applicable height limitations. In the case of airport districts, the height limitations therein shall be absolute and the exclusions enumerated in this section shall not apply.

*Historic Resources* means all areas, districts, or sites containing properties listed on the *Florida Master Site File*, the *National Register of Historic Places*, or designated by the County as historically, architecturally, or archaeologically significant.

*Historically Significant Housing* means a dwelling unit that is listed in the *National Register of Historic Places* or the *Florida Master Site File*.

*Hotel* means a building containing individual rooms for the purpose of providing overnight lodging facilities for periods not exceeding 30 days to the general public for compensation with or without meals, and which has common facilities for reservations and cleaning services, combined utilities and on-site management and reception.

*Household* means a family living together in a single dwelling unit with common access to and use of all the living and eating areas within the dwelling unit.

*Housing Demand* means the number of housing units that will be needed to accommodate a projected population (equal to the number of existing housing units plus the projected housing need).

*Housing Need* means the number of new housing units needed to accommodate a projected population (equal to the projected housing demand minus the number of existing housing units).

## **I**

*Impact Fee* means charges assessed against new development or redevelopment which partially or wholly cover the cost of providing capital facilities needed to serve the development.

*Impervious Surface* means a surface that does not allow, or minimally allows, the penetration of water; included as examples are building roofs, normal concrete and asphalt pavements, and some fine-grained soils, such as clays.

*Impervious Surface Ratio (ISR)* means a measure of the intensity of hard surfaced development on a site. An impervious surface ratio is the relationship between the total impervious surface area on a site and the net land area. The ISR is calculated by dividing the square footage of the area of all impervious surfaces on the site by the square footage of the net land area.

Infrastructure means those man-made structures which service the common needs of the population, such as: sewage disposal systems; potable water systems and wells; solid waste disposal sites or retention areas; stormwater systems; utilities; piers; docks; wharves; breakwaters; bulkheads; seawalls; bulwarks; revetments; causeways; marinas; navigation channels; bridges; and roadways.

Intensity means an objective measurement of the extent to which land may be developed or used, including the consumption or use of the space above, on, or below ground; the measurement of the use of or demand on natural resources; and the measurement of the use of or demand on facilities and services. Intensity is expressed as a maximum FAR.

## L

Land means the earth, at or below the surface that lies above high tide for lands subject to tidal inundation and mean high water for freshwater bodies of water.

Land Development Code (LDC) means ordinances enacted by governing bodies for the regulation of any aspect of development and includes any local government zoning, rezoning, subdivision, building construction, or sign regulations or any other regulations controlling the development of land. (aka: Land Development Regulations – LDRs)

Level of Service means an indicator or the extent or degree of service provided by, or proposed to be provided by a facility based on and related to the operational characteristics of the facility. Level of service indicates the capacity per unit of demand for each public facility.

Local Planning Agency means the agency designated to prepare a comprehensive plan or plan amendment pursuant to the Community Planning Act. (aka: Planning Commission)

Local Road means a road designated and maintained primarily to provide access to abutting property. A local road is of limited continuity and is not for through traffic. A local road is not considered as part of the major road network system.

## M

Marina means a facility for the storage and mooring of vessels or live-aboard vessels together with accessory retail and service uses, and may include restaurants, vessel rentals, charter vessels, vessel repair, sport diving uses, the provision of fuel, and vessel launching . The term marina does not include docks accessory to a land-based dwelling unit limited to the use of owners or occupants of the dwelling unit.

Mean High Water Line or Mean High Tide (MHW) means the point to which water extends onto the shoreline at average daily high tide as indicated by physical evidence on site such as discoloration, vegetative indicators or wrack lines.

Mean Low Water Line or Mean Low Tide (MLW) means the point to which water extends onto a shoreline at average daily low tide as indicated by physical evidence on site such as discoloration, or vegetative indicators

Mitigation (as related to wetlands) means a wetland enhancement, restoration, creation and/or preservation project that serves to offset unavoidable wetland impacts associated with development.

Mitigation (as related to climate change) is an intervention to reduce the causes of changes in climate, such as through reducing emissions of greenhouse gases in the atmosphere.

Mobile Home means a structure, transportable in one or more sections, which is 8 body feet or more in width and which is built on an integral chassis and designed to be used as a dwelling when connected to the required utilities. See Subsection 320.01 F.S., for definitions regarding mobile homes and taxation.

Monthly Median Household Income means the median annual household income for the county divided by 12.

## N

Native Upland Vegetation means native plant species occurring within pinelands or tropical hardwood hammocks. Within pineland habitats, the dominate canopy consists of slash pines (*Pinus elliottii* var. *densa*), along with other understory species such as:

<u>Species</u>	<u>Habitat</u>	<u>Range</u>
<u><i>Argythamnia blodgettii</i></u>	<u>Pinelands</u>	<u>Keys and mainland</u>
<u><i>Cassia keyensis</i></u>	<u>Pinelands</u>	<u>Endemic to Keys</u>
<u><i>Chamaesyce deltoidea</i> var. <i>serpyllum</i></u>	<u>Pinelands</u>	<u>Endemic to Keys</u>
<u><i>Chamaesyce garberi</i></u>	<u>Pinelands, hammocks, sand dunes</u>	<u>Keys and mainland</u>
<u><i>Chamaesyce porteriana</i> var. <i>keyensis</i></u>	<u>Pinelands, sand dunes</u>	<u>Endemic to Keys</u>
<u><i>Chamaesyce porteriana</i> var. <i>scoparia</i></u>	<u>Pinelands</u>	<u>Keys, possibly Big Cypress</u>
<u><i>Croton arenicola</i></u>	<u>Pinelands, sand dunes</u>	<u>Keys and mainland</u>
<u><i>Evolvulus sericeus</i> var. <i>averyi</i></u>	<u>Pinelands</u>	<u>Keys and mainland</u>
<u><i>Gerardia keyensis</i> (Agalinis)</u>	<u>Pinelands</u>	<u>Endemic to Keys</u>
<u><i>Linum arenicola</i></u>	<u>Pinelands</u>	<u>Keys and mainland</u>
<u><i>Melanthera parvifolia</i></u>	<u>Pinelands</u>	<u>Keys and mainland</u>
<u><i>Phyllanthus pentaphyllus</i> var. <i>floridanus</i></u>	<u>Pinelands</u>	<u>Keys and mainland</u>
<u><i>Schizachyrium sericatum</i></u>	<u>Pinelands</u>	<u>Endemic to Keys</u>
<u><i>Tragia saxicola</i></u>	<u>Pinelands</u>	<u>Keys and mainland</u>

Many of the species normally occurring in hardwood hammocks include:

<u>Common Name</u>	<u>Scientific Name</u>
<u>Torchwood</u>	<u><i>Amyris elemifera</i></u>
<u>Marlberry</u>	<u><i>Ardisia escallanioides</i></u>
<u>Crabwood</u>	<u><i>Ateramnus lucidus</i></u>
<u>Saffon Plum</u>	<u><i>Bumelia celastrina</i></u>
<u>Willow Busic</u>	<u><i>Bumelia salicifolia</i></u>
<u>Gumbo Limbo</u>	<u><i>Bursera simaruba</i></u>
<u>Locustberry</u>	<u><i>Brysonima cuneata</i></u>
<u>Spicewood</u>	<u><i>Calypttranthes pallens</i></u>
<u>Wild Cinnamon</u>	<u><i>Canella winterana</i></u>
<u>Limber Caper</u>	<u><i>Capparis flexuosa</i></u>
<u>Snowberry</u>	<u><i>Chiococca alba</i></u>
<u>Pigeon Plum</u>	<u><i>Coccoloba diversifolia</i></u>
<u>Buttonwood</u>	<u><i>Conocarpus erectus</i></u>
<u>Milkbark</u>	<u><i>Drypetes diversifolia</i></u>
<u>Black Torch</u>	<u><i>Erithalis fruticosa</i></u>
<u>White Stopper</u>	<u><i>Eugenia axillaris</i></u>
<u>Spanish Stopper</u>	<u><i>Eugenia foetida</i></u>
<u>Everglades Velvetseed</u>	<u><i>Guettarda elliptica</i></u>
<u>Black Ironwood</u>	<u><i>Krugiodendron ferreum</i></u>
<u>Wild Lantana</u>	<u><i>Lantana involucrata</i></u>
<u>Wild Tamarind</u>	<u><i>Lysiloma latisiliquum</i></u>
<u>Wild Dilly</u>	<u><i>Manilkara bahamensis</i></u>
<u>Poisonwood</u>	<u><i>Metopium toxiferum</i></u>
<u>Myrsine</u>	<u><i>Myrsine floridana</i></u>
<u>Lancewood</u>	<u><i>Nectandrea coriacea</i></u>
<u>Jamaican Dogwood</u>	<u><i>Piscidia piscipula</i></u>
<u>Cockspur</u>	<u><i>Pisonia rotundata</i></u>
<u>Black Bead</u>	<u><i>Pithecellobium guadalupense</i></u>
<u>Long Stalked Stopper</u>	<u><i>Psidium longipes</i></u>
<u>Wild Coffee</u>	<u><i>Psychotria nervosa</i></u>
<u>Indigo Berry</u>	<u><i>Randia aculeata</i></u>
<u>Darling Plum</u>	<u><i>Reynosia septentrionalis</i></u>
<u>Maidenbush</u>	<u><i>Savia bahamensis</i></u>

<u>Common Name</u>	<u>Scientific Name</u>
<u>Bahama Nightshade</u>	<u><i>Solanum bahamense</i></u>
<u>Mahogany</u>	<u><i>Swietenia mahogoni</i></u>
<u>Tallowwood</u>	<u><i>Ximenia americana</i></u>
<u>Wild Lime</u>	<u><i>Zanthoxylum fagara</i></u>

Natural Drainage Features means the naturally occurring features of an area which accommodate the flow of stormwater, e.g., streams, rivers, lakes, and wetlands.

Natural Resources means the air, water, water recharge areas, wetlands, waterwells, estuarine marshes, soils, beaches, shores, flood plains, rivers, bays, lakes, harbors, forests, fisheries and wildlife, marine habitat, minerals, and other natural and environmental resources.

Nonconforming Structure means any structure lawfully existing on the effective date of the ordinance from which this chapter is derived other than a sign, or any amendment to it rendering such structure nonconforming, which does not comply with all of the standards and regulations of this chapter or any amendment thereto.

Nonconforming Use means any use lawfully being made of any land, buildings or structure, other than a sign, on the effective date of the ordinance from which this chapter is derived or any amendment thereto, rendering such use nonconforming, which does not comply with all of the regulations of this chapter, or any amendment thereto.

## O

Objective means a specific, measurable, intermediate end that is achievable and marks progress toward a goal.

Open Space means undeveloped lands that are suitable for passive recreation, landscape, preservation, or conservation uses.

## P

Park means an active or passive or recreational use operated for the benefit of the general public by a public or quasi-public agency

Policy means the way in which programs and activities are conducted to achieve an identified goal.

Principal Use or Structure means the building and the use of which conforms to the primary use permitted by the zoning classification in which it is located.

Public Water Access means any water-dependent or water-oriented facility available to the public in general, either by use of a fee or being a patron of the business that provided the facility; which allows the public access to the beach or shoreline. The term “water-oriented” as used in this herein means any facility that is actually on the water and controls the access to the water.

Public Facilities means major capital improvements, including, but not limited to, transportation, sanitary sewer, solid waste, drainage, potable water, educational, parks and recreational, and health systems and facilities.

Public Recreation Facility means a publicly owned or leased recreation site or component thereof, used by the public for active or passive recreational pursuits such as a trail, marina, ball court, athletic field or swimming pool. This term includes both Facility-Based Recreation and Resource-Based Recreation, which terms may be distinguished between as to the use characteristics permitted within a given plan category.

Public Recreation Sites means site owned or leased on a long-term basis by a federal, state, regional, or local government agency for purposes of recreational use.

Public Transit means passenger services provided by public, private or non-profit entities such as the following surface transit modes: commuter rail, rail rapid transit, light rail transit, light guideway transit, express bus, and local fixed route bus.

## **R**

Reclamation means the filling, backfilling, restructuring, reshaping, and/or revegetation within and around a land excavation or filling area to a safe and aesthetic condition.

Recreational and Working Waterfronts means a parcel or parcels of real property that provide access for water-dependent commercial activities, including hotels and motels as defined in s. 509.242(1), or provide access for the public to the navigable waters of the state. Recreational and commercial working waterfronts require direct access to or a location on, over, or adjacent to a navigable body of water. The term includes water-dependent facilities that are open to the public and offer public access by vessels to the waters of the state or that are support facilities for recreational, commercial, research, or governmental vessels. These facilities include public lodging establishments, docks, wharfs, lifts, wet and dry marinas, boat ramps, boat hauling and repair facilities, commercial fishing facilities, boat construction facilities, and other support structures over the water. As used in this section, the term “vessel” has the same meaning as in s. 327.02(39). Seaports are excluded from the definition.

Recycling is minimizing waste generation by recovering and reprocessing usable products that might otherwise become waste (i.e., recycling of aluminum cans, paper and bottles, etc.).



*Redevelopment* means the proposed removal or demolition of structures and the installing, building, or constructing on the property new replacement structures.

*Resident (Permanent) Population* means inhabitants counted in the same manner utilized by the United States Bureau of the Census, in the category of total population. Resident population does not include seasonal population.

*Resilience to climate change* is the capability to anticipate, prepare for, respond to, and recover from significant multi-hazard threats with minimum damage to social well-being, the economy and the environment.

*Resource-Based Recreation* means recreational activities that typically are dependent on natural resources and a natural outdoor environment. These activities have little, if any, adverse impact on a site and are compatible with natural and/or cultural resource protection.

*Reuse* means the planned activity or activities that are intended for the land excavation or filling area and/or abutting land after the excavation or filling ceases and reclamation is completed.

*Right-of-Way* means land acquired and owned by the state, a county, a municipality, or utility and reserved, dedicated, or required for public use.

*Rip-Rap* means a permanent erosion-resistant ground cover consisting of loosely placed pieces of natural stone or clean concrete rubble six (6) inches to three (3) feet in diameter (average dimensions), which is free of attached sediments or reinforcing rods or other similar protrusions.

*ROGO Sub-Area* means the division of the unincorporated area of the county, outside of the county mainland, for the residential Permit Allocation and Point System (or Rate of Growth Ordinance – ROGO), as follows:

- (1) Upper Keys: the unincorporated area of the county north of Tavernier Creek and corporate limits of the Village of Islamorada (approximately mile marker 90).
- (2) Lower Keys: the unincorporated area of the county from the corporate limits of the Village of Islamorada (approximately mile marker 72) south to the corporate limits of the City of Key West at Cow Key Bridge on U.S. Highway 1 (approximately mile marker 4), excluding Big Pine Key and No Name Key.
- (3) Big Pine Key and No Name Key: the islands of Big Pine Key and No Name Key within unincorporated the county.

*Room, Hotel or Motel* means a unit in a public lodging establishment as defined by F.S. § 509.013(4)(a) intended for transient lodging only for periods not exceeding 30 days. Transient occupancy shall conform to the definition contained in F.S. § 509.013(12) as to transient occupancy. For the purposes of density restriction under this chapter:

- (1) Hotel or motel room may be a single room or a suite which may include a kitchenette but no more than 1½ bathrooms and one bedroom and one other living area.
- (2) Suites containing more than one bedroom and 1½ baths may be constructed; however, each bedroom/bath combination shall be considered a hotel/motel unit
- (3) All entrances to a hotel or motel unit shall share the same key or means of controlling access so that the hotel or motel room as defined herein is not divisible into separately rentable units.

## S

Salt Marsh and Buttonwood Wetlands means two plant associations that are sometimes collectively or individually referred to as the "transitional wetland zone." The salt marsh community is a wetland area subject to tidal influence, and the vegetation is dominated by nonwoody groundcovers and grasses. The vegetation may include, but is not limited to, the following nonwoody species:

<u>Scientific Name</u>	<u>Common Name</u>
<u>Sporobolus virginicus</u>	<u>Dropseed</u>
<u>Batis maritima</u>	<u>Saltwort</u>
<u>Distichlis spicata</u>	<u>Salt grass</u>
<u>Monanthochloe</u>	<u>Key grass</u>
<u>Salicornia spp.</u>	<u>Glasswort</u>
<u>Sesuvium portulacastrum</u>	<u>Sea purslane</u>
<u>Spartina spartinae</u>	<u>Cordgrass</u>
<u>Fimbristylis castanea</u>	<u>Chestnut sedge</u>

Woody vegetation that may be present includes the three species of mangroves, as well as buttonwood (Conocarpus erectus); however, the salt marsh community is distinguished by the dominance of nonwoody plants, and the woody species have a coverage of less than 40 percent. The salt marsh community may be associated and intermixed with areas of almost bare ground on which the vegetation may be limited to masts of periphyton.

The buttonwood wetland is a wetland that is usually present in the more landward zone of the transitional wetland area, and may intermix with more upland communities. The vegetation may include, but is not limited to, the following species:

<u>Scientific Name</u>	<u>Common Name</u>
<u>Sporobolus virginicus</u>	<u>Dropseed</u>
<u>Borrichia spp.</u>	<u>Sea oxeye daisy</u>
<u>Bumelia celastrina</u>	<u>Saffron plum</u>
<u>Coccoloba uvifera</u>	<u>Sea grape</u>
<u>Conocarpus erectus</u>	<u>Buttonwood</u>
<u>Erithalis fruticosa</u>	<u>Black torch</u>
<u>Scientific Name</u>	<u>Common Name</u>
<u>Fimbristylis castanea</u>	<u>Chestnut sedge</u>
<u>Jacquinia keyensis</u>	<u>Joewood</u>
<u>Lycium Carolinianum</u>	<u>Christmas berry</u>
<u>Maytenus phyllanthoides</u>	<u>Mayten</u>

The buttonwood wetland is distinguished from the salt marsh wetland by the dominance of buttonwood trees, usually occurring as an open stand that permits the growth of an understory of groundcovers and shrubs. The buttonwood wetland is, in turn, distinguished from more upland communities by the presence of graminoids and halophytic groundcovers under its open canopy, and generally by the lack of an appreciable layer of humus and leaf litter. As referenced throughout these regulations, "salt marsh and buttonwood" habitat refers collectively and individually to "salt marsh" and "buttonwood" habitats for the purpose of determining regulatory requirements.

*Seasonal Population* means the part-time inhabitants who utilize, or may be expected to utilize, public facilities or services, but are not residents. Seasonal population includes longer-term visitors who reside during their stay in owner-occupied or leased/rented accommodations.

*Shore or Shoreline* means the interface of land and water and, as used in the coastal management and conservation element requirements, is limited to oceanic and estuarine interfaces.

*Shoreline Stabilization Strategy* means an approach to shore erosion control practices using hardened structures such as bulkheads, rip rap or seawalls or using restoration practices such as plantings to armor, stabilize, protect and enhance the built and natural environments from erosion and sea level rise impacts.

*Sink (Greenhouse Gas)* means any process, activity or mechanism which removes greenhouse gases from the atmosphere.

Source Reduction or Waste Prevention refers to practices that reduce the amount of materials entering the waste stream, including changes in the design, manufacture, purchase or use of materials.

State Land Planning Agency means the Florida Department of Economic Opportunity (DEO).

Stormwater means the flow of water which results from a rainfall event.

Stormwater Facilities mean manmade structures that are part of a stormwater management system designed to collect, convey, hold, divert, or discharge stormwater, and may include stormwater sewers, canals, detention facilities and retention facilities.

Structure means anything constructed, installed or portable, the use of which requires a location on a parcel of land. It includes a movable building that can be used for housing, business, commercial, agricultural or office purposes, either temporarily or permanently. The term "structure" also includes roads, walkways, paths, fences, swimming pools, tennis courts, poles, pipelines, transmission lines, tracks, signs, cisterns, sewage treatment plants, sheds, docks, mooring areas, off-shore swimming platforms and other accessory construction.

Subdivision means the division of a lot, tract or parcel of land into two or more lots, tracts, parcels, or other divisions of land.

Submerged Land means the area situated below the mean high water line or the ordinary high water line of a standing body of water, including ocean, estuary, lake, pond, river or stream. For the purpose of this definition, drainage detention areas created as a function of development that are recorded on an approved final site plan or other authorized development order action of the local government with jurisdiction, and wetlands landward of the mean and/or ordinary high water line, shall not be considered submerged land, and thus may be included in the computation of net land area for the purpose of determining permitted density/intensity.

Sunset means a statute or provision that will cease to exist by a certain date.

Sustainable Building Rating or National Model Green Building Code means a rating system established by the United States Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) rating system, the International Green Construction Code (IGCC), the Green Building Initiative's Green Globes rating system, the Florida Green Building Coalition standards, or a nationally recognized, high-performance green building rating system as approved by the department.

## **T**

Threatened and Endangered Species means plant or animal species listed as such under the provisions of the Endangered Species Act, 16 USC 1531 et seq. and/or F.S. § 581.185, and the Florida Endangered and Threatened Special Act, F.S. § 372.072, as amended.

Tourist means those part-time inhabitants who utilize, or may be expected to utilize, public facilities or services, but are not residents. Tourist population includes short-term visitors who reside during their stay in transient accommodations.

Transient Residential Unit means a dwelling unit used for transient housing such as hotel or motel room, seasonal residential unit, or space for parking a recreational vehicle or travel trailer.

## U

Useful Life means the period during which an asset or property is expected to be usable for the purpose it was acquired. It may or may not correspond with the item's actual physical life or economic life.

User-Oriented Recreation means recreational activities which take place in man-made facilities, located for the convenience of users. Examples include football, tennis, baseball, pool swimming, golf, shuffleboard, recreational classes, and community-sponsored festivals.

Utility means facilities such television cable, telephone exchanges, electric generation plants, stormwater collection systems, high power transmission lines and substations, gas distribution lines and sewage treatment collections systems and disposal plants.

## V

Vulnerability to Climate Change means the exposure, sensitivity, and adaptive capacity of systems to climate change.

## W

Wastewater Treatment Collection System means the use of land and its above ground installed appurtenances related to the collection and transmission of wastewater to a treatment facility located on another lot or parcel.

Wastewater Treatment Facility means the use of land and its appurtenances for the treatment of wastewater collected predominately from other lots or parcels.

Water means all water on or beneath the surface of the ground, including the water in any watercourse, water body or wetland.

Water-Dependent Use means a use that must physically be located in, on, over, or adjacent to water in order to conduct its primary purpose and which, therefore, cannot be located inland. e.g., marinas, boat rentals, boat yards, docks, wharfs, lifts, boat ramps, boat hauling, repair, and construction facilities, commercial fishing facilities, and other support structures on, over, or adjacent to navigable bodies of water.

*Water-Enhanced Use* means a use that is not water-dependent or water-related uses but benefits economically or aesthetically by its location adjacent to or on the waterfront. The term includes dock side bars, restaurants, hotels, motels, and residential uses.

*Water-Related use* means an activity not dependent on direct access to water in order to conduct its primary purpose, but which provides goods or services directly related to water-dependent uses, e.g., marine supplies, boat dealers, boat maintenance and repair.

*Water Supply Infrastructure and Support Facilities* means above or below ground structures, including wells, pipes, pumps, buildings, facilities, fixtures, machinery, reservoirs, and appurtenant facilities and structures, required for the provision of high quality potable water.

*Wetlands* means those areas that are inundated or saturated by surface water or groundwater at a frequency and a duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils. Soils present in wetlands generally are classified as hydric or alluvial, or possess characteristics that are associated with reducing soil conditions. The prevalent vegetation in wetlands generally consists of facultative or obligate hydrophytic macrophytes that are typically adapted to areas having soil conditions described above. These species, due to morphological, physiological, or reproductive adaptations, have the ability to grow, reproduce, or persist in aquatic environments or anaerobic soil conditions. Florida Keys wetlands include freshwater marsh, salt marsh, buttonwood, salt ponds, freshwater lenses, mangroves, and some areas of tropical hardwood hammocks and pinelands).

*Wetland boundary* means the landward extent of wetlands dominated by plant species, soils and other hydrologic evidence indicative of regular and periodic inundation or saturation.

*Workforce Housing* means housing that is affordable to natural persons or families whose total household income does not exceed 140 percent of the area median income, adjusted for household size.